

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LAUREN MILLER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

FREE PEOPLE, LLC and FREE PEOPLE OF  
PA LLC,

Defendants.

C.A. No: 1:14-cv-12018-NMG

**PLAINTIFF'S MOTION TO REMAND**

Plaintiff moves, pursuant to 28 U.S.C. § 1447 to remand this action to the Massachusetts Superior Court, from which it was removed by Defendants, because there is no federal subject matter jurisdiction over this action. In their removal papers, Defendants' assert that federal jurisdiction exists is based solely on the Class Action Fairness Act of 2005 ("CAFA"). However, Defendants have not met their burden of demonstrating that the jurisdictional amount in controversy under CAFA has been satisfied and that, therefore, that this Court has subject matter jurisdiction. Absent subject matter jurisdiction, the Court cannot hear this action and must remand it to the Superior Court.

This Motion is supported by Plaintiff's contemporaneously filed Memorandum of Law in Support of Motion to Remand, and all pleadings and papers filed in this action.

WHEREFORE, Plaintiff respectfully requests that this action be remanded to the Massachusetts Superior Court.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Undersigned counsel certify that they have conferred with counsel for Defendant in a good faith effort to resolve or narrow the issues raised by this Motion, but were unable to do so.

Dated: September 2, 2014

LAUREN MILLER individually and on behalf of  
all others similarly situated,

/s/ David Pastor

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 2, 2014.

/s/ David Pastor  
David Pastor